

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of: Christopher Douglas BLAIR et al.

Appl. No.: New Group: Unknown

Filed: February 14, 2002 Examiner: Unknown

For: SIGNAL MONITORING APPARATUS

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, DC 20231

February 14, 2002

Sir:

The following preliminary amendments and remarks are respectfully submitted in connection with the above-identified application.

R E M A R K S

Claims 1-17 are pending.

Applicants believe this case is in condition for allowance. Examination on the merits is respectfully requested.

In the parent case, Application No. 9/500,800, similar claims were rejected as anticipated by BROWN et al. 5,535,261, MALONEY et al. 5,696,811 and 5,818,907, PATTISON et al. 5,946,375 and 6,058,153, and as obvious over KOSICH 4,924,488.

As an initial matter, applicants ask that any further rejection be sufficiently detailed so that applicants can fairly

ascertain how the claims are being read onto the art. Merely asserting the reference anticipates without indicating which recitations read on which reference elements, does not enable applicants a fair opportunity to consider and respond to the rejection.

After having studied these references, applicants believe that the pending claims are patentable.

The references will be discussed in turn.

Turning first to BROWN et al., the most important point to appreciate here is that this document only relates to the analysis of signalling information tapped from the telephone line, i.e., signalling information such as the actual digits dialed as part of call set-up procedure and/or the IVR process preceding the placing of the call.

There is no reference whatsoever in this document to suggest, nor teach, the concept of tapping the actual voice content of the call as clearly arising as an important feature of the present invention.

The nearest that this document is considered to approach such a concept is perhaps Claim 18 of the document where reference is made to "a user ID". However, from the body of the description it is quite clear that such ID is in fact derived from a numeric entry made via DTMF as part of the dialing process. In this regard, it should be appreciated that the analysis of information present in the inband, or out-of-band, signaling commands as found

in this cited document is quite different from the analysis of the signals representing the voice communication within the call itself and which comprises the call aspect of the present invention.

Yet further, in addition to not interpreting any parameters from the "voice communication content" of the signals, there is likewise no reference to any recording of the values of such parameters.

Turning next to both Maloney et al. patents, the points raised above in relation to BROWN et al. are likewise equally relevant insofar as neither of these documents makes any reference, suggestion, nor teaching concerning the monitoring and interpretation of parameters from the "voice communication content" of the communications traffic streams.

Indeed, the Maloney et al. documents do not even go as far as monitoring signaling information for the calls currently being recorded and so is not in any case as relevant as BROWN et al. In Maloney et al., the recording is driven purely by means of predetermined time schedules.

Referring now to both Pattison et al. documents, while the subject matter of these documents offers a slight extension to that disclosed in the comments noted above, there is still no reference whatsoever to analysis of parameters derived from the actual voice communication content of the call. For example, page 5, lines 3 and 4 make it abundantly clear that a separate link is

required for the interpretation of the call-signaling-data that does occur. It is however only the call-signaling-data that is in fact interpreted there is no disclosure, suggestion, nor teaching that the voice content of the call is in any way processed other than simply being recorded.

Lastly, the Kosich document is useful in readily illustrating the limitations found in the prior art and which the present invention seeks to address. In particular, the passage at column 2, lines 4-10 highlights the key limitation in the subject matter of this document and which is still experienced today by systems not employing the concept of the present invention.

As should be clearly appreciated, a human operative must be present when calling and listening to the audio content of each call so as, in particular, to deactivate recording when irrelevant topics are being discussed. There is no disclosure, nor suggestion whatsoever, within this document that the analysis of the conversation content could be done in any other way than by the human operator.

The sole process in the voice communication content in this document relates simply to its digitization so as to allow the computer to reproduce the audio signal for the operator but there is no subsequent processing of the signal in an attempt to identify any predetermined parameters by analysis of the voice communication content through additional signal processing.

While this document does extend to refer to the analysis of dialed digits, i.e., inband signaling signals, from within the monitored call, there is no disclosure, suggestion, nor teaching of the analysis of non-signaling aspects such as the voice communication content of the digitized audio data as arising in the present invention.

Although there may be some basis for suggesting that the use simply of a digital recorder of the present invention might be obvious on the basis of Kosich, it is respectfully submitted that, from the above comments, there is no reference, nor suggestion for the employment of digital signal processing in the manner defined within claim 1 of the present application so as to allow for the analysis of the communication content of a signal so as to identify at least one predetermined parameter thereof. Nor is there any disclosure of the employment of related means for recording the identified occurrences of any such parameter and identifying the traffic stream associated therewith. Thus, the additional processing offered by the present invention represents more than a mere substitution of the human operative found in the Kosich document.

Applicants believe that the claims are clearly patentable over the references. If the Examiner interprets the claims more broadly, the Examiner, in all fairness, should give indications of how the recitations read on the elements of the applied patents.

Allowance of all the pending claims is respectfully requested.

Should the Examiner have any questions or require clarification, the Examiner may contact the undersigned attorney so that this application may continue to be expeditiously advanced.

Respectfully submitted,

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Attachments